



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 6570-99  
24 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 20 February 1975. On 28 July 1978, the Central Physical Evaluation Board (CPEB) found you fit for duty. You demanded a hearing, and on 8 November 1978, a hearing panel of the PEB found you unfit because of a knee condition, which it rated as 10% disabling. The findings of the hearing panel were held in abeyance because administrative discharge processing had been initiated. You were discharged by reason of misconduct on 8 January 1979, based on your conviction by summary court-martial and seven instances of nonjudicial punishment. As a discharge by reason of misconduct takes precedence over disability processing, you were discharged without entitlement to disability benefits administered by the Department of the Navy. On 27 March 1980, the Veterans Administration awarded you a 0% rating for a healed surgical scar, left knee.

In the absence of evidence which demonstrates that your discharge by reason of misconduct was erroneous or unjust, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members

of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director